

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Joe Kronen, East Hartford

File No. 2010-130

**AGREEMENT CONTAINING CONSENT ORDER AND  
PAYMENT OF ACIVIL PENALTY  
FOR VIOLATIONS OF GENERAL STATUTES**

This agreement by and between John P. Ryan, of the Town of East Hartford, County of Hartford, State of Connecticut, hereinafter referred to as Respondent, and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with §9-7b-54 of the Regulations of Connecticut State Agencies and §4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleged that Respondent as treasurer of the East Hartford Republican Town Committee (hereinafter the "EHRTC") was responsible for "significant deficiencies in reporting, inadequate record keeping," and a failure to maintain records. Specifically, Complainant detailed the following allegations:
  - a. That Respondent failed to deposit a March 31, 2007 contribution from an individual in the amount of \$40.00;
  - b. That in July 2007 Respondent failed to deposit \$233.00 in reported contributions;
  - c. That Respondent failed to deposit \$240.00 from an EHRTC fundraiser received on or about September 7, 2007; and,
  - d. That on October 23, 2007 Respondent received a reimbursement that was \$20.01 in excess of funds expended by Respondent on behalf of the EHRTC;
2. Respondent, as the legally designated treasurer of the EHRTC and pursuant to General Statutes § 9-606 (a), was responsible for receiving and depositing contributions and reporting those contributions in accordance with the requirements of § 9-608.
3. Complainant, in addition to the allegations detailed in paragraph 1 above, alleged that a reimbursement of an individual in the amount of \$88.03 was not fully itemized by the EHRTC treasurer on the October 10, 2007 *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20). The EHRTC treasurer at the time of the aforementioned reimbursement was Tom Rup.

4. Furthermore, Complainant alleged that Beverly Ryan should not have been designated EHRTC deputy treasurer because party by-laws precluded such appointment to Ms. Ryan who was not a member of the EHRTC.
5. Finally, Complainant alleged that EHRTC Chairman Paul J. Rockzynski failed to amend the EHRTC Party Committee Registration (SEEC Form 2) within ten days of an EHRTC election held in accordance with its by-laws that resulted in the election of Michael Brinius as deputy treasurer.
6. General Statutes § 9-606, provides in pertinent part:

*(a) The campaign treasurer of each committee shall be responsible for (1) depositing, receiving and reporting all contributions and other funds in the manner specified in section 9-608, (2) making and reporting expenditures, (3) reporting expenses incurred but not yet paid, (4) filing the statements required under section 9-608, and (5) keeping internal records of each entry made on such statements. The campaign treasurer of each committee shall deposit contributions in the committee's designated depository within fourteen days after receiving them. The campaign treasurer of each political committee or party committee which makes a contribution of goods to another committee shall send written notice to the campaign treasurer of the recipient committee before the close of the reporting period during which the contribution was made. The notice shall be signed by the campaign treasurer of the committee making the contribution and shall include the full name of such committee, the date on which the contribution was made, a complete description of the contribution and the value of the contribution. Any dispute concerning the information contained in such notice shall be resolved by the campaign treasurer of the recipient committee. Such resolution shall not impair in any way the authority of the State Elections Enforcement Commission under section 9-7b. The campaign treasurer of the recipient committee shall preserve each such notice received for the period prescribed by subsection (f) of section 9-607.*

[Emphasis added.]

7. General Statutes § 9-607, provides in pertinent part:

...

*(f) The campaign treasurer shall preserve all internal records of transactions required to be entered in reports filed pursuant to section 9-608 for four years from the date of the report in which the transactions were entered. Internal records required to be maintained in order for any permissible expenditure to be paid from committee funds include, but are not limited to, contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure. If a committee incurs expenses by credit card, the campaign treasurer shall preserve all credit card statements and receipts for four years from the date of the report in which the transaction was required to be entered. If any checks are issued pursuant to subsection (e) of this section, the campaign treasurer who issues them shall preserve all cancelled checks and bank statements for four years from the date on which they are issued. If debit card payments are made pursuant to subsection (e) of this section, the campaign treasurer who makes said payments shall preserve all debit card slips and bank statements for four years from the date on which the payments are made. In the case of a candidate committee, the campaign treasurer or the candidate, if the candidate so requests, shall preserve all internal records, cancelled checks, debit cards slips and bank statements for four years from the date of the last report required to be filed under subsection (a) of section 9-608.*

...

[Emphasis added.]

8. General Statutes § 9-608, provides in pertinent part:

...

*(c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay*

directly to another person, vendor or entity, the amount and the purpose of the expenditure, ***the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate***, and a statement of the balance on hand or deficit, as the case may be; ... Each campaign treasurer shall include in such statement ***(i) an itemized accounting of the receipts and expenditures relative to*** any testimonial affair held under the provisions of section 9-609 or ***any other fund-raising affair***, which is referred to in subsection (b) of section 9-601a, and (ii) the date, location and a description of the affair.

...

[Emphasis added.]

9. Upon investigation, the Commission finds Respondent was treasurer of the EHRTC between February 9, 2007 through July 30, 2007, and again between January 1, 2008 and January 1, 2010.
10. Complainant alleged, as detailed in paragraph 1a above, that Respondent failed to deposit an individual contribution made by Travis Simpson on March 31, 2007 in the amount of \$40.00.
11. The Commission finds that EHRTC internal records for June 2007 indicate \$210.00 received by the committee in receipts, delineated by the following notations and dollar amounts: \$165.00 in sale of gift baskets, \$40.00 Travis Simpson and \$5.00 in coffee money. Moreover, the aforementioned internal records directly correlate with an EHRTC bank statement for deposits for the same time period.
12. The Commission concludes, for the reasons stated in paragraphs 11 above, that the evidence does not support the allegation in paragraph 1a above and therefore the allegation is dismissed.
13. Complainant alleged, as detailed in paragraph 1b, that in July 2007 Respondent failed to deposit \$233.00 in reported contributions.
14. The Commission finds that an internal record for July 2007 discloses a total of \$433.00 in receipts from: (1) \$200.00, Robert Mozzucki; (2) \$200.00, John Ryan; (3) \$1.00 Bruce Gaudette; (4) \$2.00 Coffee; and (5) \$30.00, Travis Simpson. The aforementioned \$433.00 is recorded in a July 31, 2007 EHRTC bank statement.

15. The Commission further finds that the allegedly missing \$233.00 is incorporated in the aggregate total of \$433.00, as recorded by the EHRTC bank statement, and detailed in paragraph 14 above.
16. For the reasons described in paragraphs 14 and 15 above, the Commission finds that the allegation regarding Respondent's failure to deposit \$233.00, as detailed in paragraph 1b above, is not supported by the evidence and therefore the allegation is dismissed.
17. Complainant alleged, as detailed in paragraph 1c above, that Respondent failed to deposit \$240.00 from an EHRTC fundraiser received on or about September 7, 2007.
18. Upon investigation, the Commission finds that there is conflicting evidence as to whether \$240.00 in cash from an EHRTC fundraiser was delivered to Respondent personally on or about September 7, 2007, as alleged.
19. The Commission finds, for the reasons detailed in paragraph 18 above, therefore that the evidence upon investigation is inconclusive as it pertains to the allegation in paragraph 1c above, and therefore the Commission declines to take further action regarding this allegation.
20. Complainant alleged, as detailed in paragraph 1d above, that Respondent received an excessive reimbursement from the EHRTC.
21. Upon investigation, the Commission finds that Mr. Tom Rup was EHRTC treasurer at the time of the October 23, 2007 reimbursement to Respondent in the amount of \$56.04. Furthermore, the Commission finds that records indicate that Respondent submitted a receipt for reimbursement for expenditure on behalf of the EHRTC in the amount of \$43.96. The Commission finds that the amount of \$56.04 appeared on the aforementioned receipt under the heading "Change."
22. The Commission finds, for the reasons detailed in paragraph 21 above, that Mr. Rup improperly reimbursed Respondent in the amount of \$56.04 that represented change from the transaction, and not the amount of \$43.96 which was the correct amount for reimbursement, resulting in an excessive reimbursement totaling \$12.08.
23. The Commission concludes, for the reasons detailed in paragraphs 21 and 22 above, that the allegation of an excessive reimbursement to Respondent was supported by the evidence upon investigation. The Commission notes that while reimbursements are permissible pursuant to § 9-607 (g) (O), and that a receipt was provided in this instance as required by that section, the amount of reimbursement was nevertheless shown to be excessive as alleged in paragraph 1d.

24. While not excusing the error of record keeping or the excessive reimbursement, the Commission nevertheless declines to take further action against Mr. Rup in that the EHRTC records appear to support the conclusion that excessive reimbursement was based on a transcription error and was therefore inadvertent, and because the total of amount of the excess reimbursement was limited to \$12.08.
25. Complainant alleged, as detailed in paragraph 1 above, that Respondent failed to “maintain records” as EHRTC treasurer.
26. Upon investigation, the Commission finds that Respondent disclosed a balance of \$80.62 as of January 1, 2008 on the EHRTC Itemized Campaign Finance Disclosure Statement (SEEC Form 20) filed on January 10, 2008. Further the Commission finds that Respondent disclosed a beginning balance of \$,1580.62 for the SEEC Form 20 filed on behalf of the EHRTC on January 10, 2009 and covered the period starting on October 29, 2008. EHRTC transactions for the aforementioned reasons therefore reflect a \$1,500.00 difference in the EHRTC account balance for 2008.
27. The Commission finds that records were produced in connection with this complaint and investigation for 2007 and 2009. The aforementioned records included bank statements, receipts, internal record keeping documents and check ledgers. However, the Commission finds that for 2008, Respondent failed almost entirely to maintain records in that there were virtually no records produced by Respondent for 2008 with the exception of 6 EHRTC bank deposit slips.
28. General Statutes § 9-607 (f) requires that the campaign treasurer “...shall preserve all internal records of transactions required to be entered in reports filed pursuant to section 9-608 for four years from the date of the report in which the transactions were entered.” Furthermore, pursuant to the aforementioned statute, such records include but are not limited to “contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure.” General Statutes § 9-607 (f).
29. The Commission concludes, for the reasons detailed in paragraph 26 and 27 above, that Respondent failed to preserve records for 2008, as required by General Statutes § 9-607 (f), in that 6 bank deposit slips are insufficient and inadequate for the purposes of annual record keeping for the EHRTC, when records indicate transactions resulting in a shift in the EHRTC bank account balance of \$1,500.00.

30. Additionally, the Commission finds that where such record keeping pursuant to § 9-607 (f), specifies the preservation of contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure, the production of just 6 bank deposit slips to reflect annual transactions of a party committee that had a \$1,500.00 shift in account balances is entirely too meager.
31. The Commission concludes, for the reasons detailed in paragraph 29 and 30 above, that Respondent violated § 9-607 (f) by failing to preserve records of the EHRTC as its designated treasurer for the year 2008.
32. Complainant alleged, as detailed in paragraph 3 above, that a reimbursement of an individual in the amount of \$88.03 was not fully itemized by the EHRTC treasurer on the October 10, 2007 SEEC Form 20.
33. Upon investigation, the Commission finds that the EHRTC treasurer at the time of the aforementioned reimbursement was Mr. Rup. The Commission further finds that Mr. Rup did disclose the reimbursement on the EHRTC October 10, 2007 SEEC Form 20. Specifically, the aforementioned reimbursement was disclosed as “campaign expense materials,” and included the committee check number, the amount \$88.03 and the purpose of the reimbursement.
34. The Commission notes that General Statutes § 9-608 (a) requires a treasurer to fully itemize transactions, and that while it is correct that Mr. Rup did not complete each data field for the transaction in question, he did detail aspects to such an extent that the purpose, recipient and amount of the EHRTC expenditure was attainable from a review of the relevant SEEC Form 20.
35. For the reasons detailed in paragraphs 33 and 34 above, the Commission declines to take further action against Mr. Rup pertaining to the allegation described in paragraphs 3 and 32 above and his failure to exercise fully his duties pursuant to General Statutes § 9-608, and pertaining to the transaction detailed herein.
36. Regarding the final two allegations, detailed in paragraphs 4 and 5 above, the Commission finds that they pertain to the implementation of EHRTC party by-laws. Specifically, Complainant alleged that Beverly Ryan should not have been designated EHRTC deputy treasurer because party by-laws precluded such appointment to such individual who was not a member of the EHRTC, and that EHRTC Chairman Paul J. Rockzynski failed to amend the EHRTC Party Committee Registration (SEEC Form 2) within ten days of the election held according to EHRTC by-laws of Michael Brinius as deputy treasurer.

37. Upon investigation, the Commission finds that Complainant's allegations, as detailed in paragraphs 4, 5 and 36, rest on claims that the EHRTC by-laws, rather than the operation of Chapter 155, triggered what Complainant perceived to be violations of by-laws by various individuals. The Commission further finds that pursuant to General Statutes § 9-387 the Commission would not have jurisdiction over disputes over party committee by-laws and their application, the resolution for which the aforementioned statute leaves to the state party. *See* General Statutes § 9-387.
38. For the reasons so stated in paragraph 37 above, and consistent with the Commission's lack of jurisdiction pursuant to § 9-387 to enforce a dispute pertaining to EHRTC by-laws, the Commission dismisses the allegations detailed in paragraph 4, 5 and 36 as they pertain to the implementation of EHRTC party by-laws.
39. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
40. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
41. Respondent waives:
  - a) Any further procedural steps;
  - b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
  - c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.
42. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

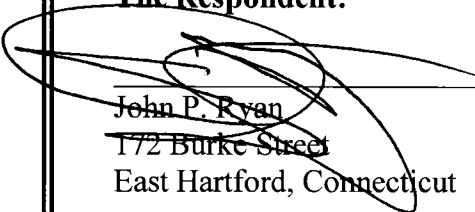


**ORDER**

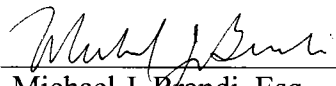
IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes §§ 9-606 and 9-607.

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty of three hundred dollars (\$300.00) to the Commission on or before May 23, 2012.

**The Respondent:**

  
\_\_\_\_\_  
John P. Ryan  
172 Burke Street  
East Hartford, Connecticut

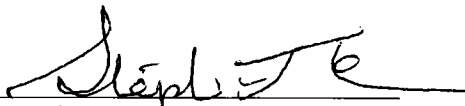
**For the State of Connecticut:**

BY:   
\_\_\_\_\_  
Michael J. Brandi, Esq.  
Executive Director and General Counsel  
& Authorized Representative of the  
State Elections Enforcement Commission  
18-20 Trinity Street  
Hartford, Connecticut

Dated: 5/10/2012

Dated: 5/14/12

Adopted this 23<sup>rd</sup> day of May, 2012 at Hartford, Connecticut.

  
\_\_\_\_\_  
Stephen F. Cashman, Chairman  
By Order of the Commission